

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ANTONIA BEY,)	
)	
Plaintiff,)	
v.)	Case No. 4:23-cv-01008-SEP
)	
JOSEPH OWENS,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Before the Court is pro se Plaintiff Antonia Bey’s Application to Proceed in District Court without Prepaying Fees or Costs. Doc. [2]. Because this filing does not comply with the Local Rules of this Court or the federal statute under which it may be granted, Plaintiff is directed to file an amended application or pay the full \$402 filing fee. Plaintiff is cautioned that failure to comply with this Order could result in dismissal of this action.

On August 15, 2023, Plaintiff filed this action against Defendant Joseph Owens, a police officer in Perry County, Illinois. Doc. [1]. Plaintiff alleges Defendant Owens wrongfully arrested and falsely imprisoned him on July 27, 2023. *Id.* at 5. Plaintiff seeks approximately 1.25 million dollars, an injunction against the State of Illinois, and a declaration that he is “a private man [] free to travel and shall not be detained.” *Id.*

With his complaint, Plaintiff submitted a Court-provided “Application to Proceed in District Court Without Prepaying Fees and Costs. Doc. [2]. At the top of the form, Plaintiff crosses out the first two sentences of the Application and writes: “By right of the First Amendment to the U.S. Constitution.” *Id.* at 1. He then leaves the entirety of the form blank, other than the signature line. *Id.* at 1-2.

Under the Local Rules of this Court: “An application to proceed in forma pauperis shall be accompanied by a statement of the applicant’s financial information set forth on a form provided by the Court. The Court may require the submission of additional information in a particular case.” E.D. Mo. L.R. 2.05(A). Additionally, under the Local Rules, the Clerk can return any complaint submitted for filing *in forma pauperis* which is not accompanied by an affidavit as required by 28 U.S.C. § 1915(a). *See* E.D. Mo. L.R. 2.05(C). Under 28 U.S.C. § 1915(a)(1), the affidavit should include “a statement of all assets.”

The Court may authorize the commencement or prosecution of a civil action without prepayment of fees if Plaintiff demonstrates that he “is unable to pay such fees or give security therefor.” 28 U.S.C. § 1915(a)(1). *In forma pauperis* status “is a matter of privilege, not of right.” *Williams v. McKenzie*, 834 F.2d 152, 154 (8th Cir. 1987). To enjoy the statute’s benefits, a litigant need not show that he is “absolutely destitute,” but he must demonstrate that, because of his poverty, he cannot pay for the litigation costs and still be able to provide for the necessities of life. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948); *see also Lee v. McDonald’s Corp.*, 231 F.3d 456, 459 (8th Cir. 2000).

In this case, the Court cannot assess whether Plaintiff should be granted *in forma pauperis* status because he has not provided the Court with any financial information. A blank form is inadequate to convey his personal financial situation. Plaintiff must either provide the required financial information or pay the Court’s full \$402 filing fee for this case to proceed.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court is directed to send Plaintiff a blank “Application to Proceed in District Court without Prepaying Fees or Costs” form.

IT IS FURTHER ORDERED that Plaintiff must either pay the \$402 filing fee or submit a completed Application to Proceed in District Court without Prepaying Fees or Costs, in accordance with the instructions set forth herein, within **twenty-one (21) days of the date of this Order.**

IT IS FURTHER ORDERED that if Plaintiff fails to comply with this Order, the Court will dismiss this action without prejudice and without further notice.

Dated this 18th day of August, 2023.



SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE